



Attorney's Do. No. 4430-18

#44  
T.D.  
S. Byrne  
4/9/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Andrew D. Barofsky & Kenton W. Gregory

Serial No.: 08/797,770

Art Unit: 3738

Filed: February 7, 1997

Examiner: Paul Prebilio

For: METHOD FOR USING TROPOELASTIN AND FOR PRODUCING  
TROPOELASTIN BIOMATERIALS

RECEIVED  
APR 03 2003  
TECHNOLOGY CENTER R3700

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION UNDER 37 CFR 1.321(b)

I, Jerome S. Marger, the disclaimant herein, represents that I am the attorney of record for the above-captioned application. The extent of the Applicant's interest is in the whole of the invention.

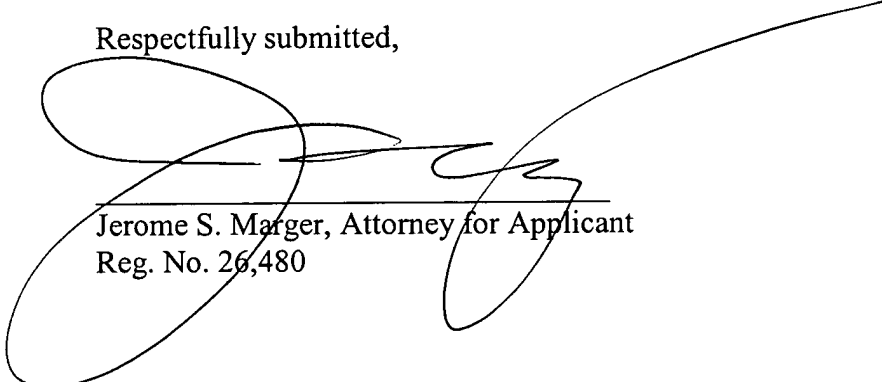
Applicant hereby disclaims the terminal part of any patent granted on the above-identified application, U.S. Serial No. 08/797,770, which would extend beyond the expiration date of the full statutory term of US Patent Number 6,372,228 granted on April 16, 2002; and

Applicant hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to US Patent Number 6,372,228 granted on April 16, 2002, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of US Patent Number 6,372,228 granted on April 16, 2002, in the event that it later expires for failure to pay a maintenance fee, or is held unenforceable, or is found invalid, or is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), or has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The fee prescribed under 37 CFR 1.20(d) has already been submitted, however, any deficiency or overpayment should be charged to deposit account number 13-1703.

Respectfully submitted,



Jerome S. Mager, Attorney for Applicant  
Reg. No. 26,480

Date: March 24, 2003

Marger Johnson & McCollom, P.C.  
1030 SW Morrison Street  
Portland, Oregon 97205  
(503) 222-3613